Court No. 2

(1) Civil Writ Petition No. 610 (M/S) of 2001
Pitamber Singh ……Petitioner.
Versus
District Deputy Director or
Consolidlation/Collector, Hardwar
and others. ……Respondents.

(2)Civil Writ petition No.609 (M/S) of 2001.
Pitamber Singh ……petitioner
Versus
District Deputy Director of
Consolidation/Collector, Hardwar
and others. …… Respondents.
…….

Hon'ble P.C. Verma, J

Since common questions of law and facts are involved in both the writ petitions, hence they are being disposed of by a common order.

These writ petitions have been filed by the petitioner challenging the judgment and order dated 22.3.2001 passed by the Deputy Director, Consolidation, Hardwar in Civil Revision Nos. 16 of 2001 and 17 of 2001 filed by the respondents. The petitioner was tenure holder of Gata Nos.293/1 and 195/2 in the basic year. The consolidation of these plots is the subject matter in dispute. The Consolidation Officer allotted two chaks to the petitioner on these two original holdings ensuring the compactness and rectangular of the chaks of the other tenure holders of the village and the chak road to be taken out. Being aggrieved by the order 07.07.1997 passed by the Consolidation Officer, the petitioner preferred an appeal before the Settlement Officer Consolidation, bearing Appeal No. 813 under Section 21 (2) of the Consolidation of Holdings Act.

The settlement Officer, Consolidation disturbed the chaks allotted to the petitioner and others on the ground that if the petitioner's area at plot No.293/1 is increased then area of the chak allotted to the

Petitioner at his original holding No.293/1 will be reduced and the plot Nos. 317,318,314etc. which are the plot numbers of original holdings of other will be taken out and be allotted to others. The Settlement Officer Consolidation considered only one aspect of the matter that the petitioner/appellant be allotted maximum area of his original holding. The learned Settlement Officer Consolidation did not take into account the object of the carrying out the consolidation operation i.e. to ensure the compactness and the rectangular shape of the chaks allotted to the tenure holders. The respondents feeling aggrieved, filed a revision that on account of the interference by the Settlement Consolidation Officer, the shape of the chak to the petitioner as well as other tenure holders has been zigzag. The petitioner was also given benefit of some land left for the public utility and chak road which was initially straight and thereafter became zigzag.

The Deputy Director Consolidation, while disposing of the revision, considered and found that the allotment of chak made by the Settlement Officer Consolidation was not proper. He has recorded a finding that the chak road has been made zigzag, thereby the loss has been caused to the Gaon Sabha in order to give benefit to the petitioner. The Deputy Director Consolidation has accordingly set aside the order passed by the settlement Officer Consolidation. The finding recorded by the Deputy Director Consolidation does not suffer from any apparent error of law. Therefore, no interference is called for.

Both the writ petitions are dismissed accordingly. No order as to costs.

(P.C. Verma, J)

20.6.2002
P.Singh